



Department of  
**Environment &  
Conservation**

## 2018 Rule Update

Environmental Show of the South

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# Summary of Draft Rules



# Summary of Draft Rules

- On October 13, 2015 the revised Environmental Protection Agency (EPA) federal rules became effective.
- One requirement in the new federal rules is for states to reapply for state program approval. Tennessee currently has state program approval, but must reapply no later than October 13, 2018.
- In order to get state program approval, state rules must be updated to be no less stringent than the federal rules.

# Summary of Draft Rules (cont'd)

- Tennessee had previously updated its rules in 2007 to comply with the requirements in the 2005 Energy Policy Act, which included many of the change found in the 2015 EPA rule change. Some of the primary changes TN made in the 2007 rule included:
  - Requirement for secondary containment on all tanks installed on or after June 24, 2007;
  - Operator training requirements; and
  - Delivery Prohibition requirements.

# Summary of Draft Rules (cont'd)

- Tennessee rules must still be updated with the following:
  - Monthly walkthrough inspections;
  - Periodic testing of spill and overfill equipment for calibration and tightness;
  - Local government owner or operator and/or guarantor using the bond rating test to provide financial assurance must notify the division within ten (10) days of its failure to obtain alternate insurance if it fails to meet the bond rating; and
  - Regulation of airport hydrant systems (these systems are not currently being used in Tennessee).

# Summary of Draft Rules (cont'd)

- As part of the rulemaking package, Tennessee is proposing the following changes to the rule that are not part of the federal rules:
  - Clarify that tanks and/or piping with structural failures must be repaired or replaced in order to ensure the statutory requirement that a tank must prevent releases due to structural failure for the life of the system;

# Summary of Draft Rules (cont'd)

- Add requirement that release detection methods have a 3<sup>rd</sup> party evaluation method reviewed by the National Workgroup on Release Detection Evaluations; and
- When the rules require a report or application to be signed by an “owner and/or operator” the new draft adds “other responsible party”. The draft rules also add “other responsible party” to the list of people that can perform cleanup activities. There is no expansion of liability.

# Summary of Draft Rules (cont'd)

- As part of the rulemaking package, Tennessee is also proposing the following housekeeping rule changes:
  - The Statistical Inventory Reconciliation (SIR) release detection method by transferring the requirements from inventory control (IC) to the SIR, so that the IC section can be removed (inventory control has not been an approved method of release detection in TN since 2010);

# Summary of Draft Rules (cont'd)

- Under piping methods, adding the specifics of the two methods allowed (SIR and IM) instead of cross-referencing them;
- Ensuring consistency in the rule by making sure groundwater is updated throughout the rule to one word; and
- Ensuring consistency in the rule by making sure stormwater is updated throughout the rule to one word.

# Compliance Deadlines For New Rules



# Compliance Deadlines For New Rules

The Effective Date for Tennessee's revised rules will be October 13, 2018.

What does this mean for tank owner and/or operators?

# Compliance Deadlines For New Rules

The main requirements in the new rule deadlines are as follows:

- The release detection requirement for emergency generators in service before the effective date of the rule must meet the requirements within 3 years after the effective date of the rule. (No later than October 13, 2021.)

# Compliance Deadlines For New Rules

- Flow restrictors (also called ball float valves) cannot be used to comply with overfill requirements if overfill is installed or replaced 3 years after the effective date of the rule. (No later than October 13, 2021.)
- For USTs in service before the effective date of this rule, spill prevention equipment must be tested at least once every three years and the initial test must be conducted no later than 3 years after the effective date of the rule. (No later than October 13, 2021.)

# Rule Deadlines

- Overfill prevention equipment must be inspected at least once every three years and the initial inspection must be conducted no later than 3 years after the effective date of the rule. (No later than October 13, 2021.)
- Periodic operation and maintenance walkthrough inspections must begin no later than 3 years after the effective date of the rule. (No later than October 13, 2021.)

# Rule Deadlines

- Airport hydrant systems and field constructed tanks must comply with financial responsibility requirements no later than 3 years after the effective date of the rule. (No later than October 13, 2021.)
- Airport hydrant systems and field constructed tanks, to comply with rule .17, must meet the requirements of .09(3)(c) no later than 3 years after the effective date of the rule. (No later than October 13, 2021.)

# Rulemaking Timeline

Questions?